UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/25221
2 February 1993

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE ACTIVITIES OF THE INTERNATIONAL CONFERENCE ON THE FORMER YUGOSLAVIA

Introduction

1. Since my last report to the Security Council (S/25100, annex), a further round of the peace talks on Bosnia and Herzegovina was held in Geneva from 23 to 30 January. The participants included the leaders from the three sides in Bosnia and Herzegovina, including President Alija Izetbegovic, Mr. Radovan Karadzic and Mr. Mate Boban, the President of the Republic of Croatia, Mr. Franjo Tudjman, and the President of the Federal Republic of Yugoslavia (Serbia and Montenegro), Mr. Dobrica Cosic.

2. At the opening session of the latest round of the peace talks, and subsequently, the Co-Chairmen of the Steering Committee faced an added complication, namely the resumption of hostilities within the Republic of Croatia. This development was reflected in some of the statements and replies made at the opening session. The Co-Chairmen maintained the momentum of the peace talks, while at the same time seeking to halt the fighting in Croatia, as well as fighting between Bosnian government and Bosnian Croat forces in central Bosnia. They did this through personal appeals and through bilateral and trilateral meetings with the leaders directly concerned.

3. The peace talks, however, were inevitably adversely affected by events outside the Conference. These events demonstrated yet again the close interconnections of all developments in the former Yugoslavia and the necessity to find a comprehensive settlement for the entire range of problems assailing the former Yugoslav lands.

I. FRAMEWORK FOR THE PEACE TALKS

4. Efforts to bring peace to Bosnia and Herzegovina have proceeded throughout on the basis of the principles of the Charter of the United Nations, the relevant decisions of the Security Council and the principles of the International Conference, adopted at its London session in August 1992.

5. The fundamental objectives of the talks have been, and remain, that the conflict must be stopped and prevented from spreading, while respecting human rights and fundamental freedoms. This has been a principal goal of the Co-Chairmen, who have repeatedly condemned ethnic cleansing and have pledged their determination to bring about its reversal (see annex I). They have strongly supported efforts to provide humanitarian relief and assistance to victims of the conflict. They have also urged the establishment of an international criminal court to try persons accused of crimes against humanity in connection with the armed conflict in the former Yugoslavia.

6. The Co-Chairmen continue to believe that the strict application of sanctions and respect for the arms embargo are crucial for the containment of the conflict and the restoration of peace. They firmly believe that a selective lifting of the arms embargo would not only prolong and deepen the war, but could lead to its spilling over to neighbouring countries. It was precisely with a view to preventing the spread of the conflict that they recommended a preventive deployment of United Nations peace-keeping forces in the former Yugoslav Republic of Macedonia.

7. The Co-Chairmen are resolute in their conviction that there is no realistic alternative to dealing with the conflict in Bosnia and Herzegovina other than through negotiations in good faith by all sides to reach a comprehensive settlement.

8. At the end of the previous round of the peace talks the position was that Mr. Boban had signed the agreement setting out the constitutional principles, the provincial map and the agreement on military and related issues. President Izetbegovic had accepted the constitutional principles and the agreement on military and related issues; he did not, however, accept the provincial map. Mr. Karadzic had not yet answered whether he would accept the constitutional principles but indicated that his response would be given later; he did not accept the provincial map and had some questions about the agreement on military and related issues.

II. CONSTITUTIONAL PRINCIPLES

9. On 23 January 1993, the Co-Chairmen recorded the clear position that all three Bosnian sides unconditionally accepted the constitutional principles (see S/25100, appendix III). On 30 January, all three sides signed an agreement containing the constitutional principles (see annex II).

III. PROVINCIAL BOUNDARIES

10. In my report of 11 November 1992, I informed the Council that the Co-Chairmen were working on establishing provincial boundaries, taking into account the views of the three sides (S/24795, para. 42). After several weeks of painstaking discussions, during which each side continued to insist on its own position, the Co-Chairmen came to the view that the most practical way of

advancing the peace process would be for the Co-Chairmen to put forward a provincial map for Bosnia and Herzegovina. They did this on 2 January 1993. The map put forward by the Co-Chairmen was set out in my report of 12 January 1993 (S/25050, annex V, appendix). The Co-Chairmen assured the three sides that, if all of them could agree on any changes to the proposed map, such changes would be incorporated.

11. On 23 January the Co-Chairmen indicated that they were at the disposal of the three sides to assist them in any further discussions they might wish to have on the Co-Chairmen's map. Mr. Boban reiterated that he accepted the map and noted that he had already signed it. President Izetbegovic sought changes in the map. Mr. Karadzic also sought changes and suggested that the populations involved be consulted. The Co-Chairmen replied that, since there had been massive displacements of populations largely as a result of deliberate ethnic cleansing in Bosnia and Herzegovina, consultations with the populations involved could not be carried out fairly in the prevailing circumstances.

12. The Chairman of the Working Group on Bosnia and Herzegovina, Mr. Martti Ahtisaari, then had extensive discussions with the three Bosnian sides, during which he invited them to comment on the proposed provincial boundaries. In these discussions, Mr. Boban confirmed that he had accepted the boundaries proposed by the Co-Chairmen. President Izetbegovic reserved his position on the provincial boundaries until the central and provincial government structure would be clarified. Mr. Karadzic sought to include more areas where Serbs lived into the three provinces with Serb majorities.

13. Following the foregoing discussions, the Co-Chairmen held individual, bilateral and trilateral meetings with the three sides in order to help to bridge their positions. After a series of individual, bilateral and trilateral meetings, the Co-Chairmen informed the three sides at a plenary meeting on 30 January that, in the light of the discussions that had taken place, they had come to the conclusion that the provincial map they had submitted earlier should be maintained. They then invited the three sides to sign that map (see annex III).

14. Mr. Boban reconfirmed his acceptance of the map submitted by the Co-Chairmen and signed it. President Izetbegovic stated that he could not accept the map because, in his view, it had the effect of rewarding the ethnic cleansing that had taken place as it would leave military forces in areas from which populations had forcibly been removed and to which they could not return unless such forces were removed. Mr. Karadzic stated that large parts of the map were acceptable and that he could accept it formally if it was understood that the populations in certain areas would be democratically consulted. The Co-Chairmen ruled that that condition was tantamount to not accepting the map.

IV. MILITARY AND RELATED ISSUES

15. In my report of 6 January 1993 I informed the Council about the state of discussions on the agreement on military and related issues put to the three sides by the Co-Chairmen (S/25050, annex VI). During the recently concluded session of the peace talks (23-30 January), discussions took place on a few provisions of the agreement. Clarifications were provided by the Co-Chairmen and a few minor textual modifications were made.

16. On 30 January the Co-Chairmen invited the three sides to sign this agreement (see annex IV). Mr. Boban and Mr. Karadzic signed it. Notwithstanding his earlier acceptance (S/25100, annex, para. 5) President Izetbegovic stated that he would not sign the agreement because he felt that the arrangements on the control of heavy weapons were not strong enough. The Co-Chairmen invited him to consult with the United Nations Protection Force (UNPROFOR) Force Commander to obtain clarifications that the Co-Chairmen felt would meet his concern and enable him to sign the agreement.

V. INTERIM INSTITUTIONAL ARRANGEMENTS

17. During the latest round of the peace talks (23-30 January), the Co-Chairmen, in response to a suggestion, also took up the issue of interim arrangements for governing both Bosnia and Herzegovina as a whole and also each of the provinces during a transitional period.

18. An initial round of discussions on the interim institutional arrangements was held between the Bosnian Croat and the Bosnian government sides, concerning the six provinces in which the Croats or the Muslims would constitute the majority or plurality populations, namely Mostar, Bihac, Zenica, Tuzla, Posavina and Travnik. It was agreed between them that the Governors of Bihac, Zenica and Tuzla would be Muslims while the Governors of Mostar, Posavina and Travnik would be Croats. The two sides indicated they were prepared to approve an arrangement along those lines.

19. In the light of their subsequent discussions with the three sides, the Co-Chairmen submitted to them on 29 January a working paper entitled "Interim arrangements for Bosnia and Herzegovina" (see annex V). The three sides were invited to submit any comments they might wish to make on the working paper.

VI. POSITION OF THE EUROPEAN COMMUNITY

20. On 1 February 1993, the European Community issued the following declaration:

> "The European Community and its member States express their full and unequivocal support for the comprehensive plan for a peaceful settlement in Bosnia and Herzegovina, put forward by the International Conference on the former Yugoslavia, in accordance with the commitments reached at the London Conference.

"The peace plan and the draft interim arrangements for governing the Republic of Bosnia and Herzegovina until free and fair elections will take place, represent a coherent and comprehensive settlement, taking into account the legitimate interests of the three constituent communities of that republic.

"The European Community and its member States strongly urge all three parties of Bosnia and Herzegovina to accept the peace plan and the draft interim arrangements. The parties must also fully cooperate in implementing them.

"The European Community and its member States call upon the Security Council of the United Nations to give its full support to this plan and its implementation. The European Community and its member States are prepared to contribute actively to this end.

"The European Community and its member States reiterate their full support for the sovereignty, territorial integrity, and multi-ethnic character of the Republic of Bosnia and Herzegovina. They will continue their efforts to help the republic to recover from the present tragedy." (S/25225)

VII. OBSERVATIONS

21. I endorse the agreements put forward by the Co-Chairmen, which constitute a just and viable settlement for all sides.

22. The Co-Chairmen have stated that they intend to continue their negotiations with the parties. I will report to the Security Council on further developments.

Annex I

International Conference on the Former Yugoslavia

The Co-Chairmen of the Steering Committee and human rights issues in the former Yugoslavia

I. HUMAN RIGHTS AS A CORE ELEMENT OF THE PEACEMAKING STRATEGY

1. From the outset of their chairmanship of the Steering Committee of the International Conference on the former Yugoslavia, the Co-Chairmen, Cyrus Vance and Lord Owen, have placed human rights and humanitarian issues at the core of the peacemaking process in the former Yugoslavia. At a press conference on 23 October 1992, the Co-Chairmen insisted that the international community would not tolerate the taking of territory by force, nor acquiesce in ethnic cleansing. Responding to reports that Bosnia and Herzegovina had in fact been carved up by Serbian and Croatian forces, the Co-Chairmen said that the status quo on the ground was not acceptable and that international recognition and lifting of sanctions would not take place until a political solution had been found.

2. "This is not going to be settled by people who have taken up arms, and have abandoned humanitarian principles, and trampled on international law", Lord Owen told the assembled correspondents. "We do not accept this status quo as permanent", he added, "and we intend to see that it is changed". Mr. Vance agreed, saying "That is the way that we will act; that is what we expect to happen; and we will not be turned back in our determination to see that happen."

3. On 13 November 1992, Mr. Vance said to the Security Council:

> "You have called for a political settlement consistent with the principles of the Charter and of international norms on human rights. You have rightly condemned forcible expulsions, illegal detentions, and all attempts to change the demographic composition of territories.
>
> "...
>
> "I mention these statements of principle in order to emphasize a simple but crucial point: the international community cannot accept non-compliance with these guidelines.
>
> "As Co-Chairmen of the Steering Committee, our mandate requires that we maintain lines of communication with all sides while preserving our neutrality and independence. Other United Nations bodies are looking into violations of human rights and humanitarian law. We are cooperating with them and will continue to do so. I do, however, want to underscore my firm conviction that there can be no compromise when it comes to respect for the principles of the Charter, and of the international norms of human rights and humanitarian law." (S/PV.3134)

4. Lord Owen told the Security Council on the same day:

"How can we as Co-Chairmen and you as members of the Council implement the principles and objectives agreed at the London Conference at the end of August?

"European history is, sadly, no stranger to conflict nor to ethnic disputes. Memories of the Holocaust are still with us. The odious practice of 'ethnic cleansing' that we are witnessing in the former Yugoslavia is not something therefore which any European can ignore, merely passing by on the other side.

"Europe knows that, were this flagrant 'ethnic cleansing' to be tolerated, were all its perpetrators to be allowed to escape without being brought to justice, and were its victims not to be helped to return to their homes and land, then we Europeans would pay a terrible price." (ibid.)

II. PRISONERS AND DETAINEES

5. The Co-Chairmen have worked closely with the International Committee of the Red Cross (ICRC) to secure the release of prisoners and detainees in the former Yugoslavia. They have used every occasion to highlight the plight of prisoners and detainees in their contacts with Governments and with the parties, in their public statements and in the reports submitted to the Security Council and the General Assembly. At the commencement of the peace talks on Bosnia and Herzegovina on 2 January 1993, the Co-Chairmen made the following appeal to the parties to the conflict:

"... Your immediate release of all detainees is essential. It would not only be an indication of your peaceful intentions, but could also help to stop the drums of war, which are beating so loudly around us as we meet here today ..." (S/25050, annex II)

6. They arranged for the distribution of an appeal by ICRC for the release of prisoners and detainees (see S/25050, annex IV).

III. WAR CRIMES

7. On the issue of grave breaches of humanitarian law, the Co-Chairmen have been in frequent contact with the Chairman of the Committee of Experts established by the Secretary-General to examine information pertaining to these breaches. Working-level contacts have also been maintained between the Co-Chairmen's staff and the staff of the Commission of Experts.

8. The Co-Chairmen conducted meetings with the Commission of Experts, the Secretary-General and the Special Rapporteur for Yugoslavia of the Commission on Human Rights to help to bring about a forensic examination of the mass

grave site at Ovcara in Croatia. The Co-Chairmen's efforts helped to bring about a decision by the Commission of Experts to arrange for a prompt forensic examination of the mass grave site. In a public statement on 17 December 1992 the Commission of Experts stated:

> "A major step taken by the Commission has been to request an NGO, "Physicians for Human Rights", to investigate a mass grave near Vukovar taking into account calls made by ... the Co-Chairmen of the Conference on the Former Yugoslavia ..."

IV. INTERNATIONAL CRIMINAL COURT

9. The Co-Chairmen have repeatedly advocated the establishment of an international criminal court to deal with grave breaches of humanitarian law. On 16 December 1992, Mr. Vance stated to the Ministerial Meeting of the Steering Committee of the Conference:

> "Lord Owen and I believe that atrocities committed in the former Yugoslavia are unacceptable, and persons guilty of war crimes should be brought to justice. We, therefore, recommend the establishment of an international criminal court."

V. CONSTITUTIONAL ARRANGEMENTS

10. The Co-Chairmen have also placed human rights issues at the core of their proposals for the future constitutional framework of Bosnia and Herzegovina. They have proposed that the Constitution set out a number of human rights, grouped into three categories:

(a) General human, especially civil and political, rights as expressed in instruments such as the 1966 International Covenant on Civil and Political Rights a/ and the Protocols thereto, and in the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms and in the Protocols thereto;

(b) Group and especially "minority" rights, as expressed in instruments such as the 1992 United Nations Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities b/ and in the 1990 Recommendation 1134 (1990) on the rights of minorities of the Parliamentary Assembly of the Council of Europe;

(c) Economic, social and cultural rights, as expressed in the 1966 International Covenant on Economic, Social and Cultural Rights a/ and in the 1961 European Social Charter and the Protocol thereto.

11. To ensure the protection of human rights, the Co-Chairmen have proposed that:

(a) All persons in Bosnia and Herzegovina, whether citizens or not, will at all times have unimpeded access to the courts;

(b) Both the provincial and the national courts will be required to apply the constitutionally guaranteed human rights, as set out in the Constitution or in the international instruments incorporated therein by reference as directly applicable law;

(c) There will be four ombudsmen, one representing each of the recognized groups. These ombudsmen will have wide powers to investigate, either on the basis of complaints or on their own initiative, all questions relating to the implementation of human rights, including those arising out of ethnic cleansing, and to report to the legislature and to other appropriate governmental bodies. Initially, the ombudsmen are to be appointed by the International Conference on the Former Yugoslavia, and later by the Lower House of the national legislature;

(d) There will be a Constitutional Court and a Human Rights Court;

(e) There is also to be an International Commission on Human Rights for Bosnia and Herzegovina. This Commission will be authorized to investigate and to hear complaints and to report thereon to the appropriate international bodies;

(f) Bosnia and Herzegovina will be required to become a party to a number of international human rights treaties that establish supervisory, monitoring and dispute-settlement mechanisms.

12. Addressing the Organization of the Islamic Conference on 1 December 1992, Lord Owen stated:

> "You have already seen in our proposals for a new constitution for Bosnia-Herzegovina that we are not prepared to accept that land can be taken by force by the Bosnian Serbs - land which far exceeds anything that they could justifiably claim in the past to have contained a majority of Serbs.
>
> "You will also have seen in those same constitutional proposals the toughest provision for enforcing human rights and interlocking mechanisms for the reversal of the odious practice of ethnic cleansing.
>
> "I can assure you that the citizens of the European Community did not live through the trauma of the 1930s and 1940s without vowing to themselves that they would never again tolerate within Europe the vile things which we have seen practised in Bosnia and Herzegovina. We are determined, with your help, to end the practices and reverse the consequences."

VI. HUMAN RIGHTS AND HUMANITARIAN ISSUES

13. The Co-Chairmen have cooperated closely with the Special Rapporteur of the United Nations Commission on Human Rights. The day after their arrival in Geneva, on 4 September 1992, they had an extensive meeting with the Special Rapporteur. They met with the Special Rapporteur again on 8 October. Working-level contacts have been maintained throughout by the Co-Chairmen's staff and the staff of the Special Rapporteur.

14. In a message which the Co-Chairmen sent to the Commission on Human Rights on 30 November they stated:

> "Regrettably the disgraceful practice of ethnic cleansing has not ceased and violations of international norms on human rights and humanitarian law are rampant. We condemn these violations in the most categorical terms.
>
> "We hope that your session will help in bringing an end to the violations of human rights and humanitarian law taking place. We also hope that you will give attention to the important question of protecting the rights of minorities. This issue is of great importance to the future stability and security in the area of the former Yugoslavia."

15. The Co-Chairmen have used their influence to highlight the importance of human rights issues. They initiated contact with the Council of Europe immediately after they started operations, so as to draw upon the expertise and assistance of the human rights machinery of the Council of Europe. Addressing the Council on 3 October 1992, Lord Owen made the following proposal:

> "Let me put one practical suggestion to this body.
>
> "...
>
> "A non-member State could subscribe to the Council of Europe ad hoc mechanism by means of a unilateral declaration which would then be in its Constitution, but which would have to be accepted by the Committee of Ministers of the Council of Europe. The mechanism could consist of a body which would be set up for a transitional period pending the accession of the subscribing State to the Council of Europe fully and to the European Convention on Human Rights. The body might be composed of judges of the European Court of Human Rights, members of the European Commission on Human Rights and persons from the subscribing States. The body could receive communications from any subscribing State, individual, group of individuals or non-governmental organizations alleging violations of human rights in a subscribing State. The body would be able to examine the admissibility and merits of the allegations received. It could make findings of fact and state its opinion, in the first place by reference to the European Convention on Human Rights and the case-law developing under it, but also by reference to other

international human rights treaties and agreements to which the subscribing State was already a contracting party - for example, United Nations covenants - and other legal instruments relating to human rights. The opinion of the body could be made binding on the subscribing State. I hope that they would not choose it to be only an advisory opinion but that they would entrench this body in their Constitution until such time as they were able to become members of the Council of Europe."

16. As a result of an initiative by the Co-Chairmen, the Human Rights Committee (established by the International Covenant on Civil and Political Rights) requested reports from the Federal Republic of Yugoslavia (Serbia and Montenegro), Bosnia and Herzegovina and Croatia on human rights matters of international concern. The Human Rights Committee undertook searching examinations of the human rights situations in these countries from 3 to 6 November 1992 and made important recommendations to the three States.

17. The Co-Chairmen have on a number of occasions reacted to urgent humanitarian situations. On 24 September 1992, they issued a public statement expressing their deep concern about reports they had received from the Banja Luka region indicating a build-up of tension, bomb incidents and intimidation with the potential threat of violence and the development of an ethnic-cleansing campaign. In view of the urgency of the situation, the Co-Chairmen travelled to Banja Luka the following day to assess the situation on the ground and to speak to representatives of the local communities and humanitarian agencies.

18. The Co-Chairmen have continually emphasized the importance and urgency of humanitarian relief and protection. Addressing the Security Council on 13 November 1992, Mr. Vance stated:

"... On humanitarian aid, countless thousands of lives depend on our help and, despite the increasing pressure placed upon the UNHCR and the International Committee of the Red Cross (ICRC), we cannot afford to slacken our efforts. To this end, the international community must insist on unhindered access to persons who need humanitarian aid, especially food, medical supplies and shelter - particularly in view of the approaching winter. The release of prisoners and detainees, particularly from Bosnia and Herzegovina, now depends primarily on providing immediately refuge for them abroad." (S/PV.3134)

19. Addressing a special meeting of the Humanitarian Issues Working Group on 4 December Mr. Vance also stated:

"What we are faced with in former Yugoslavia is a situation that challenges (international standards of conduct for the protection of human rights) ... internally as well as externally. Internally, the vile practice of ethnic cleansing has led to terrible human loss and suffering. The rule of law and the reign of principle have been replaced by disgraceful forms of behaviour. Externally, notwithstanding the

generosity of many countries and organizations, basic principles have come under stress, including the principles of non-refoulement of refugees, and of soliarity with human beings in distress."

Notes

a/ General Assembly resolution 2100 A (XXI), annex.

b/ General Assembly resolution 47/135.

Annex II

Agreement relating to Bosnia and Herzegovina

THE UNDERSIGNED

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights a/ and the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities, b/

Recalling the statement of principles and the statement on Bosnia adopted by the International Conference on the Former Yugoslavia at its session in London and the Programme of Action on Humanitarian Issues agreed to at that session,

Considering the decisions of the United Nations Security Council relating to the former Yugoslavia,

Reaffirming their commitment to peace and security among the successor States to the former Yugoslavia,

Hereby agree as follows:

I. Constitutional framework for Bosnia and Herzegovina

Tripartite negotiations shall proceed on a continuous basis in Geneva, under the auspices of the International Conference on the Former Yugoslavia, in order to finalize a Constitution for Bosnia and Herzegovina in accordance with the following principles:

(1) Bosnia and Herzegovina shall be a decentralized State, the Constitution shall recognize three constituent peoples, as well as a group of others, with most governmental functions carried out by its provinces.

(2) The provinces shall not have any international legal personality and may not enter into agreements with foreign States or with international organizations.

(3) Full freedom of movement shall be allowed throughout Bosnia and Herzegovina, to be ensured in part by the maintenance of internationally controlled throughways.

(4) All matters of vital concern to any of the constituent peoples shall be regulated in the Constitution, which as to these points may be amended only by consensus of these constituent peoples; ordinary governmental business is not to be veto-able by any group.

(5) The provinces and the central Government shall have democratically elected legislatures and democratically chosen chief executives and an independent judiciary. The Presidency shall be composed of three elected representatives each of the three constituent peoples. The initial elections are to be United Nations/European Community/Conference on Security and Cooperation in Europe supervised.

(6) A Constitutional Court, with a member from each group and a majority of non-Bosnian members initially appointed by the International Conference on the Former Yugoslavia, shall resolve disputes between the central Government and any province, and among organs of the former.

(7) Bosnia and Herzegovina is to be progressively demilitarized under United Nations/European Community supervision.

(8) The highest level of internationally recognized human rights shall be provided for in the Constitution, which shall also provide for the ensurance of implementation through both domestic and international mechanisms.

(9) A number of international monitoring or control devices shall be provided for in the Constitution, to remain in place at least until the three constituent peoples by consensus agree to dispense with them.

II. Cooperation in respect of humanitarian efforts

1. Maximum cooperation shall be extended to the High Commissioner for Refugees, the International Committee of the Red Cross, the United Nations Protection Force, the European Community Monitoring Mission and other humanitarian organizations working to provide assistance to refugees and displaced persons.

2. Full cooperation shall also be extended to the High Commissioner for Refugees in drawing up and implementing programmes for the return of refugees and displaced persons to their homes.

(Signed) A. IZETBEGOVIC (Signed) R. KARADZIC (Signed) M. BOBAN

Witnessed by:

(Signed) C. R. VANCE (Signed) D. OWEN

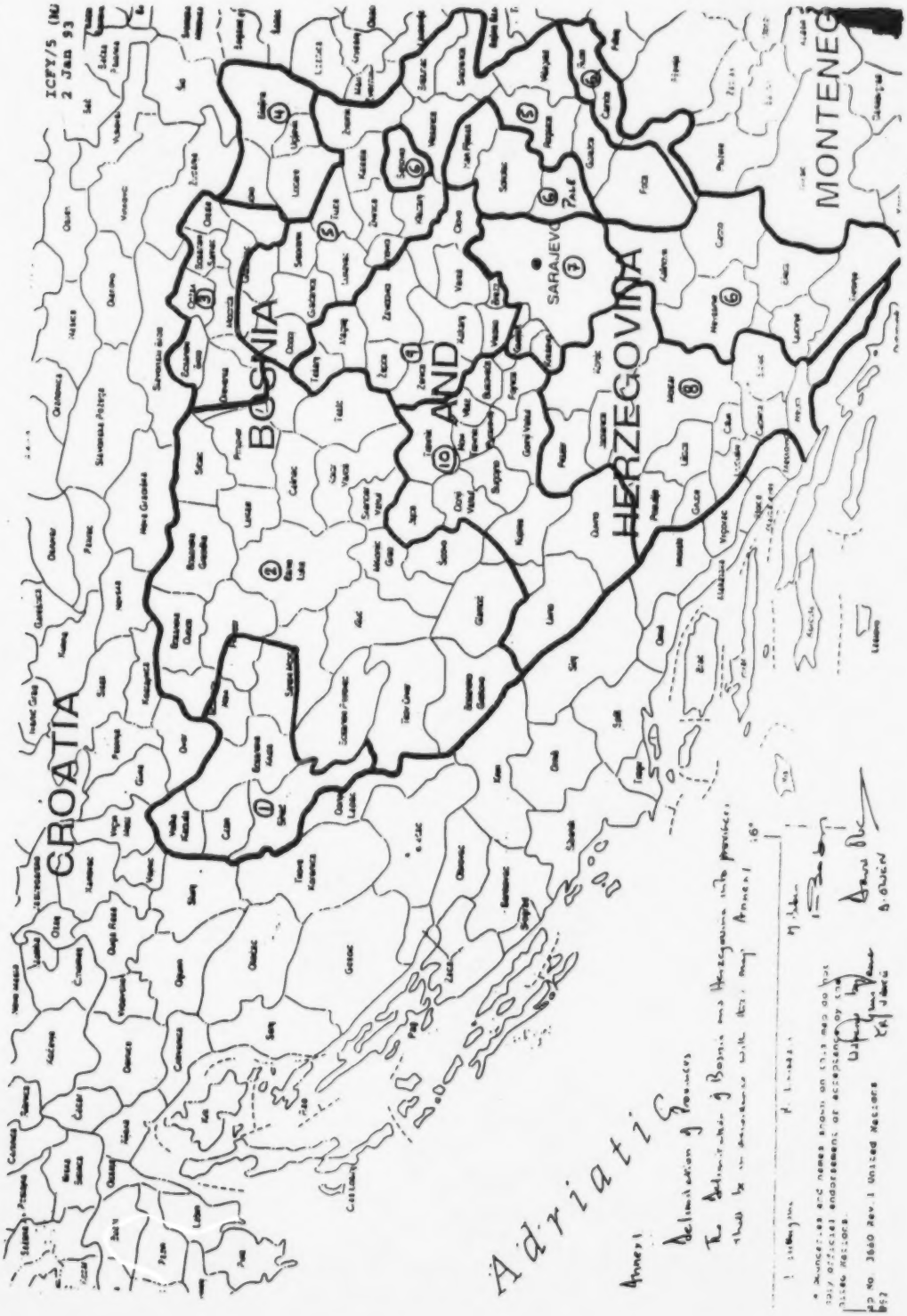
Geneva, 30th day of January 1993

Notes

a/ General Assembly resolution 217 A (III).

b/ General Assembly resolution 47/135.

Annex III


CROATIA
BOSNIA AND HERZEGOVINA
SARAJEVO
MONTENEG
Adriatic
Sea
ICFY/5 (NU
2 Jan 93

/...

Annex IV

Agreement for peace in Bosnia and Herzegovina

THE UNDERSIGNED

Welcoming the invitation of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia to participate in talks for the restoration of peace in Bosnia and Herzegovina,

Taking account of the constructive atmosphere of the peace talks held in Geneva from 2 to 5 January and the assistance of the Force Commander of the United Nations Protection Force, Lieutenant-General Satish Nambiar,

Keeping in mind the principles of the International Conference and the resolutions of the United Nations Security Council, in particular resolutions 752 (1992) and 787 (1992) pertaining to withdrawal of all outside forces from Bosnia and Herzegovina,

Wishing to bring the conflict in Bosnia and Herzegovina to an end without any further delay and to re-establish peace throughout the country,

Desiring to work out arrangements for bringing about compliance with a cessation of hostilities, and for monitoring it so as to ensure that it is effective and lasting,

Hereby agree on the following:

1. Measures for the achievement of an unconditional cessation of hostilities throughout Bosnia and Herzegovina, as set out in annex I to the present agreement;

2. Measures for the restoration of infrastructure in Bosnia and Herzegovina, as set out in annex II to the present agreement;

3. Measures on the opening of routes, as set out in annex III to the present agreement;

4. Arrangements on the separation of forces, as set out in annex IV to the present agreement;

5. Measures for the demilitarization of Sarajevo, as set out in annex V to the present agreement;

6. Measures for the monitoring of the borders of Bosnia and Herzegovina, as set out in annex VI to the present agreement;

7. Return of forces to designated provinces, as set out in annex VII to the present agreement.

A. IZETBEGOVIC (Signed) R. KARADZIC (Signed) M. BOBAN

Witnessed by:

(Signed) C. VANCE (Signed) D. OWEN

Geneva, 30th day of January 1993

[Annex I]

Cessation of hostilities

BROAD PRINCIPLES

All parties agree to support the broad principles required to support a cessation of hostilities. These broad principles will be translated into concrete action through additional discussion within the Mixed Military Working Group. Several of the principles will be dealt with on a stand-alone basis, although they remain an integral part of the overall framework of the cessation of hostilities.

The broad principles are:

A cease-fire must be put in place and remain effective. This is to be implemented 72 hours from midnight (New York time - EST) of the day on which the Security Council endorses this plan.

Monitoring and control measures are to be put in place to ensure compliance and should include as a minimum:

- Links between Commanders in conflict areas (hot lines);

- Provision of United Nations Protection Force/European Community Monitoring Mission liaison and monitors;

- Establishment of joint crisis management teams;

- Opening of confrontation line crossing-points. For use by the United Nations Protection Force and monitoring agencies.

The separation of forces is to be achieved.

Routes supporting the general freedom of movement of people, commerce and humanitarian aid are to be opened.

The restoration of infrastructure will proceed as a priority. Restoration will not be linked to any negotiations.

ESSENTIAL ELEMENTS

- Security Council endorses the plan - initiates all follow-on action (D-3). The 72 hours permit passage of information;

- Cessation of hostilities effective (D-Day);

- Declaration of forces - this is to take place on D-1 and should include:

- Numbers and locations of all heavy weapons,
- Detailed documentation of minefields,
- Location of front lines (traces),
- Defensive works and positions.

- Establish demarcation line (joint activity);

- Move in United Nations Protection Force forces to establish security (commencing D+1):
  - Monitor lines of conflict,
  - Monitor heavy weapons,
  - Reporting system (all parties).

- Withdrawal of heavy weapons:
  - Of calibre 12.7 mm and above; 5 days for Sarajevo and 15 days for remaining areas.
  - Locations to be determined based on effective ranges of weapon systems.
  - All such withdrawals will be supervised by the United Nations Protection Force and subsequently monitored at the designated locations by the United Nations Protection Force in order to prevent their use.

- Separation of forces:
  - Abandon defensive works on confrontation line,
  - Area of separation to be agreed,
  - Distance in which no forces, except police, allowed,
  - Distance within which no defensive works will be manned.

The separation of forces and withdrawal of heavy weapons are linked.

Mixed Military Commission is established to deal with any clarifications and breaches of the cessation of hostilities.

[Annex II]

Restoration of infrastructure

All parties agree that denial or use of civil utilities as a weapon of war is unacceptable, and all affirm their commitment to the full restoration of the civil infrastructure across Bosnia and Herzegovina, and in particular, Sarajevo.

The provision of humanitarian aid cannot be linked in any way with the military steps of the process of demilitarization or cessation of hostilities. Being humanitarian in nature, its priority is strictly governed by the ability of all three parties to support its implementation.

Restoration will be the first priority. Therefore, immediate efforts must be placed on the restoration of infrastructure. This is equally applicable to the city of Sarajevo as well as the rest of Bosnia and Herzegovina. It includes where applicable:

Power grids

Power stations

Bridges

Gas

Telecommunications

Railway lines

Routes

Water supply.

Guarantees of security will be requested and must be provided and the restoration of power/water/heat will be fully supported by the warring parties.

A joint committee is already in place in Sarajevo; the work of this committee is to be facilitated with immediate effect to enable early restoration of utilities in Sarajevo.

Assistance will be provided through all the appropriate agencies, including United Nations and civilian expertise. However, within Bosnia and Herzegovina, a joint commission composed of representatives of all sides is to identify the priorities, define the needs and execute the work in conjunction with civil authorities. To this end, vital installations will be identified in conjunction with Bosnia and Herzegovina joint commission:

- Access will be guaranteed after local arrangements are made.

- Forces will be withdrawn from sites consistent with security.

- Warring parties will provide, when necessary, liaison for the repair teams.

- Civil agencies/workers will be assisted.

Parties will work to re-establish infrastructure, including railways/power grids/water supplies, across borders with neighbouring republics.

Respect for infrastructure facilities must be developed and they must remain free from attack or use as defensive positions.

All parties agree to develop a common instruction for passage down chains of command to demonstrate an equal endorsement of support.

[Annex III]

Opening of routes

The opening of routes is directly related to the political issue which concerns the freedom of movement of all people in the context of constitutional principles. It is equally applicable to Sarajevo as well as all other areas of Bosnia and Herzegovina.

It is to be achieved through:

- Security guarantees by all parties to ensure non-interference and protection of personnel and material using the routes.

- Non-interference on the route.

- Checkpoints, patrols, and monitoring by United Nations Protection Force/European Community Monitoring Mission, as appropriate.

- Supervised inspection at entry points.

- Freedom of passage of humanitarian aid.

- Absolute freedom of movement of United Nations forces.

The concept of blue routes for Sarajevo is appended hereto. This format is applicable for the establishment of all other similar types of routes within Bosnia and Herzegovina. Additional routes can be negotiated under the aegis of the Mixed Military Working Group.

Appendix

Sarajevo "blue route" concept

The parties have decided to establish three free passage routes with mutually agreed measures to guarantee and ensure safe passage for freedom of movement of civilians, commercial goods and humanitarian aid to and from Sarajevo.

These routes are:

- Sarajevo-Zenica-Sarajevo;
- Sarajevo-Mostar-Sarajevo;
- Sarajevo-Zvornik-Sarajevo.

Outline plan for blue routes

1. Execution

1.1 Prerequisites

The following prerequisites are to be required:

1.1.1 Cessation of hostilities.

1.1.2 Complete freedom of movement for United Nations Protection Force forces on the three blue routes.

1.2 Use of the blue routes

1.2.1 Timings

Routes will be open during daylight hours for convoys. United Nations Protection Force forces will use the routes 24 hours each day.

1.2.2 Access for civilians

All civilians, regardless of sex, age, or ethnic origin, and without weapons or ammunition, will be allowed to use the routes. Private and commercial vehicles will also be permitted on each route subject to inspection outlined in paragraph 1.5.1 below.

1.2.3 Access for humanitarian aid

All international and local humanitarian aid agencies will be allowed to use the routes. Humanitarian aid includes, but is not limited to, food, water, medical supplies and fuel.

1.2.4 Access for commercial goods

Normal commerce will be progressively restored to and from Sarajevo.

1.3 Establishment of routes

1.3.1 Sarajevo-Zenica-Sarajevo

This route incorporates Sarajevo-Rajlovac-Ilijas-Visoko-Zenica.

1.3.2 Sarajevo-Mostar-Sarajevo

This route incorporates Sarajevo-Ilidza-Hadzici-Tarcin-Jablanica-Mostar.

1.3.3 Sarajevo-Zvornik-Sarajevo

This route incorporates Sarajevo-Bentbasa-Mokro-Sokolac-Vlasenica-Zvornik.

1.4 Checkpoints

Checkpoints will be established and manned by United Nations Protection Force forces at the entrance and exit of each route and when crossing a line of confrontation. Each United Nations Protection Force checkpoint will be located near or with the checkpoint of the force controlling the territory involved consistent with the security requirements of the factions. No side will be permitted to erect a new checkpoint.

1.5 Control measures

1.5.1 Inspection procedures

(a) Inspections will be conducted by United Nations Protection Force forces. Each side is permitted to monitor the events in close coordination with the United Nations Protection Force.

(b) War-related material, weapons or ammunition are forbidden. If found, the items will be confiscated and subsequently destroyed under control of the United Nations Protection Force and the parties.

(c) Humanitarian aid convoys may be subjected to inspections.

(d) Checkpoints will be activated only during daylight hours as a safety measure for civilians and convoys.

1.5.2 Escorts

(a) Each convoy will be escorted with the appropriate United Nations Protection Force vehicles.

(b) Convoys and escorts will take priority over military activities.

(c) The Army controlling the territory involved may provide civilian police as an additional means of security.

1.5.3 Patrols

(a) United Nations Protection Force forces will patrol the blue routes as necessary.

(b) Patrols will consist of at least two vehicles suitably equipped and will contain an appropriate communications net.

(c) All United Nations Protection Force patrols will be permitted to cross all checkpoints.

1.6 Implementation

1.6.1 Suggested timeframe

D-3 - Security Council endorses the plan

D+1 - Erecting checkpoints

- Inspection procedures agreed

- Routes cleared of all obstacles

- Repairs carried out as required

- Reconnoitre by the United Nations Protection Force

D+5 - Opening of blue routes for civilians and humanitarian aid.

[Annex IV]

Separation of forces

The parties agree that the separation of forces is an element of the overall cessation of hostilities. An agreement will be based on the steps and control measures and sequence of events outlined below:

STEPS

The concrete steps envisaged in the process include:

- An absolute cease-fire.
- Temporary freezing of the military situation, pending agreement on return of forces to designated provinces.
- No forward deployments or offensive action.
- No move of additional forces, explosives and weapons forward will be permitted. Rotation on an individual basis is acceptable.
- Withdrawal of heavy weapons (direct and indirect fire) of all parties from areas of confrontation to areas out of range, decided upon by the parties in conjunction with the United Nations Protection Force.
- Physical separation of forces in contact.
- Security and monitoring of the demilitarized zone.

CONTROL MEASURES

The control measures required include:

- Declaration of forces in being, including location of minefields.
- Monitoring of front lines.
- Declaration of heavy weapons in separation areas.
- Establishing agreed lines on which forces may be located.
- Staged withdrawal of forces culminating in their relocation to designated provinces.

SEQUENCE OF EVENTS

- Cease-fire under aegis of the overall cessation of hostilities.

- Establishment and patrol of the demarcation line by United Nations Protection Force personnel.

- Withdrawal of designated weapons systems of all parties.

- Search and clearance of the affected area by joint patrols.

- Conduct of joint and United Nations-only patrols within the area. Composition of the patrols to be negotiated at the Mixed Military Working Group.

UNPROFOR CONCEPT FOR HEAVY WEAPONS CONTROL

- All heavy weapons 12.7 mm calibre and above are included.

- These weapons will be withdrawn out of effective range to areas decided between the United Nations Protection Force and the parties.

- The withdrawal will be monitored by the United Nations Protection Force.

- Once in location the weapons will be monitored to ensure that they are not used.

- The United Nations Protection Force will not physically take over the weapons.

- Where terrain such as towns preclude moving weapons out of range, they will be gathered in agreed locations under United Nations Protection Force control to ensure that they are not used.

[Annex V]

Demilitarization of Sarajevo

The demilitarization of Sarajevo is based on one requirement: an effective cessation of hostilities.

The other elements are:

- Establishment of control on a designated line;

- Restoration of civil utilities;

- Land routes and freedom of movement;

- Separation of forces along lines of confrontation.

Control measures include:

- Patrol and monitoring of the demarcation line;

- Checkpoints at major crossings until confidence is restored;

- Mixed patrols in the demilitarized zone.

A military/civil joint commission as previously proposed should oversee the implementation of the accord.

Appended hereto is a draft agreement covering first stage of a potential agreement on the demilitarization of Sarajevo. This stage covers the airport area as already discussed at the Mixed Military Working Group.

Appendix

Proposed agreement on the first stage of demilitarization of Sarajevo

The authorized representatives of all three conflicting sides with the presence of the United Nations Protection Force representative agree on the implementation of an area of separation in the western and southern districts of Sarajevo.

Cessation of hostilities

The cessation of hostilities will be implemented as follows:

(a) The freezing of the military situation on the existing lines.

(b) No offensive action allowed.

(c) No forward redeployments.

(d) All heavy weapons will be withdrawn from positions from which they can engage.

(e) No movement of any additional forces although rotation of personnel on a one-for-one basis shall be permitted.

(f) No movement or resupply of ammunition, explosives or incendiary devices.

Freedom of movement for all civilians

The agreement on blue routes will re-establish the freedom of movement of all civilians in support of this plan.

Restoration of civil utilities

A Joint Commission composed of representatives from each side will identify priorities, define needs and execute the implementation of civil utilities. Details can be found in annex II, Restoration of infrastructure.

Removal of heavy weapons

(a) Area. All heavy weapons will be withdrawn to designated locations from the following: Mojmilo, Dobrinja, Lukavica, Gornji, Kotorac, Vojkovici, Hrasnica, Sokolovici, Butmir, Ilidza, Otes, Stup, Nedarici.

(b) Joint Commission. A Joint Commission will be created.

(1) The mission of this Joint Commission will be to execute and implement details of this plan and subsequent phases.

(2) This Joint Commission will be composed of:

(a) A United Nations Protection Force command and support element.

(b) A team of each side commanded by an officer senior enough to make decisions and designated as the authorized commander for the troops in the area affected.

(c) A joint communications system which includes a command net and the necessary guaranteed communications link to each individual headquarters.

(c) Time-frame. From each district the withdrawal of heavy weapons out of the designated area will be carried out in two stages within a period of five days:

(1) Stage 1 - Withdrawal of all direct fire weapons of 12.7 mm calibre and above (tanks, armoured personnel carriers, anti-tank, anti-aircraft and heavy machine-guns).

(2) Stage 2 - Withdrawal of all heavy indirect fire weapons (mortars, field artillery).

(d) Control measures. The following implementation and control measures will be used:

(1) United Nations Protection Force forces will patrol the area of separation between the conflicting sides.

(2) United Nations Protection Force forces will be deployed on the confrontation lines and on agreed mixed checkpoints proposed by the Joint Commission.

(3) All parties are to identify weapons by type and locations and will provide the United Nations Protection Force with detailed maps of areas considered to be under their respective control.

(4) Complete freedom of movement for all United Nations Protection Force personnel and vehicles within the affected areas.

(5) The Joint Commission will establish mixed patrols as appropriate.

[Annex VI]

Monitoring of borders

Pursuant to United Nations Security Council resolution 787 (1992), paragraph 5, to prevent interference from outside the Republic of Bosnia and Hersegovina, the United Nations Protection Force/European Community Monitoring Mission will monitor borders with neighbouring republics.

Principles

United Nations Protection Force/European Community Monitoring Mission forces will monitor crossings to prevent weapons, munitions, military personnel or irregular forces from entering the country.

Borders with adjoining republics will be monitored.

United Nations Protection Force actions to observe, search and report will be facilitated by the authorities of the Republic of Croatia and the Federal Republic of Yugoslavia.

[Annex VII]

Return of forces to designated provinces

To enable the process of return to normalcy, and as a direct follow-on from the cessation of hostilities and the separation of forces, a return of forces to designated provinces will be conducted. This can start as part of the withdrawal of heavy weapons but, given the winter weather conditions, it is hard to fix a definite date for the completion of this process. We should however aim to achieve the return of forces within 45 days.

This stage will be coordinated with an agreed demobilization of forces in being.

The United Nations Protection Force/European Community Monitoring Mission will monitor the withdrawal of these forces in conjunction with national and provincial authorities.

The Mixed Military Working Group would be the technical negotiating agency.

Annex V

Interim arrangements for Bosnia and Herzegovina

Introduction

In 1990, the Bosnian Parliament adopted amendment LXXIII to the Constitution of the Republic of Bosnia and Herzegovina. Following the outbreak of hostilities in 1992, this provision of the Constitution was invoked and the Presidency was expanded from 7 to 10 members with the inclusion of the Prime Minister, the President of the Assembly and the Commander-in-Chief of the Armed Forces. The powers of the Parliament were transferred to the Presidency.

Following the signing of the peace agreements and their endorsement by the United Nations Security Council, it is proposed that each of the three parties represented at the Conference (the "parties") nominate three representatives to serve in an interim central Government. The confirmation of these nine representatives will be subject to the approval of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia (the "Co-Chairmen"). Once the composition of the interim central Government has been confirmed, it is proposed that the Presidency, acting in accordance with its powers under amendment LXXIII, will transfer its powers and authority to this interim central Government.

Those aspects of the existing Constitution which relate to the Presidency will then be suspended. To the extent practicable, the other provisions of the existing Constitution of Bosnia and Herzegovina will continue to apply, in particular those provisions relating to the courts and legal system.

During the interim period, which is defined as the period between the transfer of authority to the interim central Government and the holding of free and fair elections, a new Constitution for Bosnia and Herzegovina will be drafted by the parties with the assistance of the Co-Chairmen and will be the basis upon which the elections will take place.

In each province, there will be an interim provincial government composed of a Governor, Vice-Governor and 10 other members.

Throughout the interim period, opstina authorities will retain their existing powers. The opstina boundaries will remain as at present except where they are crossed by provincial boundaries or where the boundaries have been changed by agreement under the auspices of the International Conference on the Former Yugoslavia.

This document contains proposals for the functioning of an International Access Authority, the national power authority, the National Bank, the Post, Telegraph and Telecommunications Authority of Bosnia and Herzegovina and an independent National Civil Aviation Authority.

I. Interim central Government

A. In the interim period, there will be a nine-member interim central Government.

1. Three representatives will be nominated by each of the parties. These nominations will then be confirmed by the Co-Chairmen.

2. The interim central Government will take decisions by consensus. In the event that a decision cannot be reached by the interim central Government, the issue will be referred to the Co-Chairmen for their urgent consideration.

3. The interim central Government will be located in Sarajevo, within that opstina designated as the capital. In addition to its national responsibilities, the interim central Government will administer the capital and have responsibility for its policing.

4. The position of President of the interim central Government will rotate every four months among the representatives of the parties. The President of the interim central Government will perform the role of head of State.

B. The principal responsibilities of the interim central Government will be as follows:

1. Preparations for the holding of free and fair elections, on the basis of the new Constitution, under international supervision;

2. Relations with the Mixed Military Working Group, the United Nations Protection Force (including the United Nations Civilian Police), the European Community Monitoring Mission and the International Conference on the Former Yugoslavia;

3. Coordination with the Office of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, the World Health Organization and other relevant agencies on the return and rehabilitation of refugees and displaced persons;

4. Foreign Affairs (including membership in international organizations);

5. International commerce (customs duties, quotas);

6. Citizenship;

7. Raising of any taxes required to carry out its functions.

C. The interim central Government will be responsible for appointing ministers and determining the role of such ministries as are deemed appropriate.

D. The Co-Chairmen will be involved with the parties in the preparation of the Constitution for Bosnia and Herzegovina and will also be available to assist the interim central Government in its work.

II. Interim provincial governments

A. During the interim period, each province will have an interim provincial government composed of a Governor, a Vice-Governor and 10 other members. The Governor, the Vice-Governor and the 10 other members of the interim provincial government will be nominated by the parties on the basis of the composition of the population of the province a/ provided that none of the three constituent peoples will be left unrepresented in any province. The interim provincial governments will be composed as in annex A.

B. Decisions will normally be taken by a simple majority, except that the adoption of the provincial constitution and the setting of opstina boundaries will be taken by consensus.

C. The principal functions of the interim provincial governments will be:

1. The drafting of provincial constitutions in accordance with the new Constitution of Bosnia and Herzegovina;

2. The preparation of free and fair elections, which should be held as soon as possible, on the basis of proportional representation and under international supervision;

3. Relations with the Mixed Military Working Group, the United Nations Protection Force (including the United Nations Civilian Police), the European Community Monitoring Mission and the International Conference on the Former Yugoslavia;

4. Coordination with the Office of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, the World Health Organization and other relevant agencies on the return and rehabilitation of refugees and displaced persons;

5. Supervision of Police Force;

6. Restoration of infrastructure;

7. Raising of any taxes necessary to carry out their functions.

---

a/ To determine these relative percentages, the 1991 census will be used.

D. There will be attached to the staff of each provincial Governor a United Nations Protection Force Military Liaison, including a United Nations Civilian Police Liaison Officer, to assist in the carrying out of the above tasks.

III. Interim arrangements for the protection of human rights

A. The three parties have accepted principle No. 8 of the Constitutional Framework for Bosnia and Herzegovina which states that the highest level of internationally recognized human rights shall be provided for in the Constitution. The international community has repeatedly condemned ethnic cleansing and has demanded that its results be reversed. In order that the provisions of principle No. 8 be implemented in the interim period, the following measures will be taken, with particular emphasis placed on reversing ethnic cleansing wherever it has occurred.

1. All statements or commitments made under duress, particularly those relating to the relinquishment of rights to land and property, are wholly null and void.

2. Four ombudsmen will be appointed immediately by the Co-Chairmen, as per paragraph VI.B.2 of the Proposed Constitutional Structure for Bosnia and Herzegovina (ICFY/6, annex).

3. All citizens, through their representatives, will have the right to request international monitoring in areas where they believe that human rights were being, are being, or are about to be infringed. This may involve the monitoring of the area by the United Nations Civilian Police or other appropriate bodies such as the European Community Monitoring Mission, with or without the assistance of United Nations Protection Force military personnel. In the same way, they will also be able to make representations to the Mixed Military Working Group to request a redeployment of any armed forces in their area.

IV. Appointment of a representative of the Co-Chairmen in Bosnia and Herzegovina

The Co-Chairmen shall appoint a representative in Bosnia and Herzegovina, who will be resident in Sarajevo and available as and when necessary to the interim central Government and the interim provincial governments.

V. Establishment of an international access authority

A. Principle 3 of the Constitutional Framework for Bosnia and Herzegovina states that "full freedom of movement shall be allowed throughout Bosnia and Herzegovina, to be ensured in part by the maintenance of internationally controlled throughways".

In order to implement this principle, an international access authority will be established with representatives from the interim central Government and the interim provincial governments, which:

1. Will have sole responsibility for all railway lines in Bosnia and Herzegovina and those roads which are declared as internationally controlled throughways.

2. Will regulate the operation of port facilities on the River Sava.

The Authority's essential purpose will be to guarantee full freedom of movement between and within the provinces of Bosnia and Herzegovina and also to and from these provinces to the Republic of Croatia and to the Republic of Serbia (the proposed routes are set forth in annex B).

B. It is intended that the International Access Authority will be in operation as soon as possible during the interim period. Following the endorsement of the Agreement on Peace in Bosnia and Herzegovina by the United Nations Security Council, all designated throughways will come under the responsibility of the United Nations Protection Force. A period of overlapping responsibility is envisaged for the United Nations Protection Force and that of the International Access Authority. During this period of overlapping responsibility, the United Nations Protection Force's involvement will be phased out and its responsibilities assumed by traffic police employed by the International Access Authority. This transfer of responsibility will only happen by agreement of all those involved in the International Access Authority.

VI. Functioning of the National Power Authority

A Board of Directors will be appointed by the interim central Government and the interim provincial governments to manage Elektro Privreda, the existing national power authority, which will be responsible for the transmission and distribution of electricity in Bosnia and Herzegovina. The Board will be responsible for ensuring the uninterrupted supply of electricity to the whole of the country and to make appropriate links with neighbouring countries.

1. The interim central Government and each of the interim provincial governments will appoint one representative to the Board of Directors of Elektro Privreda.

2. Elektro Privreda will continue to have its headquarters in Sarajevo.

VII. Functioning of the National Bank of Bosnia and Herzegovina

The functions of the Governor and Council of the National Bank (Narodna Banka) of Bosnia and Herzegovina will be taken over by a Board of Governors. The National Bank will continue to have responsibility, inter alia, for

issuing currency and for exercising a regulatory function over provincial banks, as well as for relations with international financial institutions.

1. The interim central Government and each of the interim provincial governments will appoint one representative to the Board of Governors of the National Bank.

2. The National Bank will remain located in Sarajevo.

VIII. Functioning of the National Post, Telegraph and Telecommunications Authority

A Board of Directors will be appointed by the interim central Government and the interim provincial governments to manage the National Post, Telegraph and Telecommunications Authority of Bosnia and Herzegovina. It will have responsibility for ensuring postal and telecommunications services throughout Bosnia and Herzegovina, and necessary international links. It will also have responsibility for the allocation of radio and television transmission frequencies in Bosnia and Herzegovina.

1. The interim central Government and each of the interim provincial governments will appoint one representative to the Board of Directors of the National Post, Telegraph and Telecommunications Authority.

2. The National Post, Telegraph and Telecommunications Authority will be located in Sarajevo.

IX. Establishment of an independent National Civil Aviation Authority

An independent National Civil Aviation Authority will be established as soon as possible by the interim central Government and the interim provincial governments.

The National Civil Aviation Authority will, when appropriate, assume responsibilities for the control of all civilian traffic in the airspace of Bosnia and Herzegovina, as well as for relations with the International Civil Aviation Organization and other relevant international authorities. Initially, a period of overlapping responsibilities is envisaged for the United Nations Protection Force and the National Civil Aviation Authority.

The United Nations Protection Force will continue operating and controlling Sarajevo airport until other arrangements are agreed with the United Nations Protection Force.

1. The interim central Government and each of the interim provincial governments will appoint one representative to the Board of Directors of the National Civil Aviation Authority.

2. The National Civil Aviation Authority will have its headquarters in Sarajevo.

29 January 1993

Annex A

Structure of interim provincial governments

For the purposes of this annex, the parties will be designated "Party A", "Party B" and "Party C", denoting the delegations of Mate Boban, Alija Izetbegovic and Radovan Karadzic respectively.

Province No. 1

Province capital: Bihac
Governor: Nominated by Party B
Vice-Governor: Nominated by Party C
Other members of interim provincial government:
seven members nominated by Party B, two members nominated by Party C, one member nominated by Party A

Province No. 2

Province capital: Banja Luka
Governor: Nominated by Party C
Vice-Governor: Nominated by Party B
Other members of interim provincial government:
seven members nominated by Party C, two members nominated by Party B, one member nominated by Party A

Province No. 3

Province capital: Bosanski Brod
Governor: Nominated by Party A
Vice-Governor: Nominated by Party C
Other members of interim provincial government:
five members nominated by Party A, three members nominated by Party C, two members nominated by Party B

Province No. 4

Province capital: Bijeljina
Governor: Nominated by Party C
Vice-Governor: Nominated by Party B
Other members of interim provincial government:
five members nominated by Party C, four members nominated by Party B, one member nominated by Party A

Province No. 5

Province capital: Tuzla
Governor: Nominated by Party B
Vice-Governor: Nominated by Party C
Other members of interim provincial government:
five members nominated by Party B, three members nominated by Party C, two members nominated by Party A

Province No. 6

Province capital: Nevesinje
Governor: Nominated by Party C
Vice-Governor: Nominated by Party B
Other members of interim provincial government:
seven members nominated by Party C, two members nominated by Party B, one member nominated by Party A

Province No. 7

Province of Sarajevo

Because of its special position with the capital in its midst, it is proposed that each of the parties will nominate three members in the interim provincial government.

The opstina boundaries in Sarajevo will be referred immediately to a committee to which each party will nominate a member. The Committee will meet in Sarajevo under the chairmanship of the Co-Chairmen's representative, and will report to the Co-Chairmen before Sunday, 7 February 1993. The Co-Chairmen will arbitrate in the event of any differences.

It is envisaged that one of the opstinas will be called the "Capital opstina" and encompass the government buildings, historic buildings, the university, hospital, the railway station and sports facilities and will come under the administration of the interim central Government.

Province No. 8

Province capital: Mostar
Governor: Nominated by Party A
Vice-Governor: Nominated by Party B
Other members of interim provincial government:
six members nominated by Party A, three members nominated by Party B, one member nominated by Party C

Province No. 9

Province capital: Zenica
Governor: Nominated by Party B
Vice-Governor: Nominated by Party A
Other members of interim provincial government:
six members nominated by Party B, two members nominated by Party A,
two members nominated by Party C

Province No. 10

Province capital: Travnik
Governor: Nominated by Party A
Vice-Governor: Nominated by Party B
Other members of interim provincial government:
five members nominated by Party B, four members nominated by Party A,
one member nominated by Party C

Annex B

Throughways to be controlled by the International Access Authority

- That part of the road from Bihac to Livno that passes through Banja Luka Province;

- That part of the road from Bihac to Jajce that passes through Banja Luka Province;

- That part of the road from Banja Luka to Brcko that passes through Posavina Province;

- Those parts of the roads from Tuzla to Orasje and from Tuzla to Brcko that pass through Posavina and Bijeljina Provinces;

- Those parts of the roads from Han Pijesak to Sekovici and from Sekovici to Zvornik that pass through Tuzla Province;

- That part of the road from Pale to Kalinovik that passes through Sarajevo Province;

- That part of the road from Foca to Sarajevo that passes through East Herzegovina Province;

- The road from Sarajevo to Mostar and to the Croatian border towards Split;

- That part of the road from Ljubinje to Neum that passes through Mostar Province.

International road border crossings affecting the International Access Authority:

- Bihac Province: Velika Kladusa, towards Karlovac and Zagreb;

- Banja Luka Province: Bosanski Gradiska, towards Zagreb-Belgrade autoroute;

- Posavina Province: Orasje, towards Zagreb-Belgrade autoroute;

- Bijeljina Province: Sremska Raca, towards Zagreb-Belgrade autoroute;

- Tuzla Province: Zvornik, towards Zagreb-Belgrade autoroute;

- Mostar Province: Osoje, towards Split.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/25222
2 February 1993
ENGLISH
ORIGINAL: SPANISH

LETTER DATED 26 JANUARY 1993 FROM THE PERMANENT REPRESENTATIVES OF FRANCE, SPAIN AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

We have the honour to bring to your attention the text in English and French of the Declaration on the Former Yugoslavia adopted by the European Community and its member States and issued on 25 January 1993 in Copenhagen and Brussels.

We should be grateful if you would have the text of this letter and its annex distributed as a document of the Security Council.

(Signed) Jean-Bernard MERIMEE
Permanent Representative of France

(Signed) Juan A. YAÑEZ-BARNUEVO
Permanent Representative of Spain

(Signed) Sir David HANNAY, KCMG
Permanent Representative of the
United Kingdom

93-06679 3830j (E) 020293 020293

020293

/...

Annex

[Original: English/French]

Declaration on the former Yugoslavia

(Copenhagen and Brussels, 25 January 1993)

"The European Community and its member States view with grave concern the recent resumption of hostilities around Zadar in Croatia, which have been initiated by the Croatian side. The armed clashes have already resulted in numerous casualties, including one member of the French UNPROFOR contingent.

In addition to destabilizing the uneasy situation in Croatia, these actions risk harming the highly important and serious negotiations in Geneva on Bosnia-Herzegovina, which recently have shown promise of making some headway. The consequences of such a train of events could be extremely grave.

In the present situation, the European Community and its member States, while aware of Serbian non-compliance with the Vance plan, urgently call on all sides, and in particular the Government of Croatia, to bring hostilities around Zadar to an immediate end. All parties involved must participate in good faith with the implementation of all aspects of the Vance plan, including the return of the refugees, and must be prepared to accept a prolongation of the UNPROFOR mandate, when it expires next month.

At the same time, the European Community and its member States, recalling their declaration of 13 January 1993, urge all parties involved to carry on without delay the negotiations of the Ahtisaari proposal on Bosnia-Herzegovina, which could put these negotiations into jeopardy."

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/25222*
5 February 1993
ENGLISH
ORIGINAL: SPANISH

LETTER DATED 26 JANUARY 1993 FROM THE PERMANENT REPRESENTATIVES OF FRANCE, SPAIN AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND TO THE UNITED NATIONS ADDRESSED TC THE PRESIDENT OF THE SECURITY COUNCIL

We have the honour to bring to your attention the text in English and French of the Declaration on the Former Yugoslavia adopted by the European Community and its member States and issued on 25 January 1993 in Copenhagen and Brussels.

We should be grateful if you would have the text of this letter and its annex distributed as a document of the Security Council.

(Signed) Jean-Bernard MERIMEE
Permanent Representative of France

(Signed) Juan A. YAÑEZ-BARNUEVO
Permanent Representative of Spain

(Signed) Sir David HANNAY, KCMG
Permanent Representative of the
United Kingdom

* Reissued for technical reasons.

Annex

[Original: English/French]

Declaration on the former Yugoslavia

(Copenhagen and Brussels, 25 January 1993)

"The European Community and its member States view with grave concern the recent resumption of hostilities around Zadar in Croatia, which have been initiated by the Croatian side. The armed clashes have already resulted in numerous casualties, including one member of the French UNPROFOR contingent.

In addition to destabilizing the uneasy situation in Croatia, these actions risk harming the highly important and serious negotiations in Geneva on Bosnia-Herzegovina, which recently have shown promise of making some headway. The consequences of such a train of events could be extremely grave.

In the present situation, the European Community and its member States, while aware of Serbian non-compliance with the Vance plan, urgently call on all sides, and in particular the Government of Croatia, to bring hostilities around Zadar to an immediate end. All parties involved must participate in good faith with the implementation of all aspects of the Vance plan, including the return of the refugees, and must be prepared to accept a prolongation of the UNPROFOR mandate, when it expires next month.

At the same time, the European Community and its member States, recalling their declaration of 13 January 1993, urge all parties involved to carry on without delay the negotiations in Geneva with a view to reaching agreement on full implementation of the Ahtisaari proposal on Bosnia-Herzegovina. No action must be undertaken by anyone, inside or outside Bosnia-Herzegovina, which could put these negotiations into jeopardy."

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/25223
2 February 1993
ENGLISH
ORIGINAL: SPANISH

NOTE VERBALE DATED 29 JANUARY 1993 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF COLOMBIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Chargé d'affaires a.i., Deputy Permanent Representative of Colombia to the United Nations, presents his compliments to the Secretary-General of the United Nations, and with reference to his note SCPC/11/92 (13) of 16 December 1992, has the honour to transmit herewith the instructions received from the Government of Colombia concerning the information needed to implement paragraphs 1 and 4 of Security Council resolution 778 (1992), which are as follows:

"To this date, no funds have been found belonging to the Government of Iraq or its State bodies, corporations or agencies that represent the proceeds of the sale of Iraqi petroleum or petroleum products, as referred to in paragraphs 1 and 2 of resolution 778 (1992).

"With regard to paragraph 4 of that resolution, I wish to inform you that the Bank Superintendent issued instructions in circular No. 70192 of 22 December 1992 to the legal representatives and auditors of the bodies in question concerning the need to transmit any information leading to the identification of the type or means of possible deposits, account number, name of account holder and details of possible transactions. Any information obtained in that regard will be immediately brought to the attention of the Secretary-General of the United Nations".

93-06703 3898d (E) 020293 020293

020293

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/25224
1 February 1993

ORIGINAL: ENGLISH

NOTE BY THE SECRETARY-GENERAL CONCERNING THE DATE OF AN ELECTION TO FILL A VACANCY IN THE INTERNATIONAL COURT OF JUSTICE

1. The Registrar of the International Court of Justice, by a letter dated 14 January 1993, informed the Secretary-General of the death of Judge Manfred Lachs (Poland) on 14 January 1993, and of the occurrence of a vacancy in the Court as a result of that death. The Secretary-General so informed the President of the Security Council in a letter dated 19 January 1993.

2. Judge Lachs became a member of the Court as from 6 February 1967, was re-elected as from 6 February 1976 and again, as from 6 February 1985. His present term of office would have expired on 5 February 1994. In accordance with the terms of the Statute of the International Court of Justice, the General Assembly and the Security Council will therefore have to elect a member of the Court to serve for the remainder of Judge Lachs' term until 5 February 1994.

3. Article 14 of the Statute provides:

> "Vacancies shall be filled by the same method as that laid down for the first election, subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Security Council."

Article 5, paragraph 1, of the Statute provides:

> "At least three months before the date of the election, the Secretary-General of the United Nations shall address a written request to the members of the Permanent Court of Arbitration belonging to the States which are parties to the present Statute, and to the members of the national groups appointed under Article 4, paragraph 2, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court."

4. In view of the fact that the date of the election is to be fixed by the Security Council, it is suggested that the Council might wish to consider this question at an early meeting. The Secretary-General expects to invite nominations for the vacancy caused by the death of Judge Lachs by communications immediately after the Security Council has set the date of election, but in any event no later than 14 February 1993.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/25225
3 February 1993
ENGLISH
ORIGINAL: SPANISH

LETTER DATED 2 FEBRUARY 1993 FROM THE PERMANENT REPRESENTATIVES OF FRANCE, SPAIN AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

We have the honour to bring to your attention the text in English and French of the Declaration on Bosnia and Herzegovina adopted by the European Community and its member States on 1 February 1993.

We should be grateful if you would have the text of this letter and its annex distributed as a document of the Security Council.

(Signed) Jean-Bernard MERIMEE
Permanent Representative of France

(Signed) Juan A. YAÑEZ-BARNUEVO
Permanent Representative of Spain

(Signed) Sir David HANNAY, KCMG
Permanent Representative of the United Kingdom

030293

Annex

[Original: English and French]

Declaration on Bosnia and Herzegovina adopted by the European Community and its member States on 1 February 1993

The European Community and its member States express their full and unequivocal support for the comprehensive plan for a peaceful settlement in Bosnia and Herzegovina, put forward by the International Conference on the former Yugoslavia, in accordance with the commitments reached at the London Conference.

The peace plan and the draft interim arrangements for governing the Republic of Bosnia and Herzegovina until free and fair elections will take place, represent a coherent and comprehensive settlement, taking into account the legitimate interests of the three constituent communities of that Republic.

The European Community and its member States strongly urge all three parties of Bosnia and Herzegovina to accept the peace plan and the draft interim arrangements. The parties must also fully cooperate in implementing them.

The European Community and its member States call upon the Security Council of the United Nations to give its full support to this plan and its implementation. The European Community and its member States are prepared to contribute actively to this end.

The European Community and its member States reiterate their full support for the sovereignty, territorial integrity and multi-ethnic character of the Republic of Bosnia and Herzegovina. They will continue their efforts to help the Republic to recover from the present tragedy.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/25226
3 February 1993

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Noting with regret the death of Judge Manfred Lachs on 14 January 1993,

Noting further that a vacancy in the International Court of Justice for the remainder of the term of office of the deceased Judge has thus occurred and must be filled in accordance with the terms of the Statute of the Court,

Noting that, in accordance with Article 14 of the Statute, the date of the election to fill the vacancy shall be fixed by the Security Council,

Decides that the election to fill the vacancy shall take place on 10 May 1993 at a meeting of the Security Council and at a meeting of the General Assembly at its forty-seventh session.

93-07080 5595a (E) 040293

040293

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/25227
3 February 1993

ORIGINAL: ENGLISH

LETTER DATED 30 JANUARY 1993 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF ROMANIA TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Following my letter dated 27 January 1993 (S/25189), I have the honour to submit to the attention of the Security Council and its member States the following additional information.

The presidential statement delivered on 28 January 1993 concerning Yugoslav vessels transporting petroleum on the Danube (S/25190) has been duly transmitted to the Government of Romania as well as to the competent Romanian authorities.

The competent Romanian authorities, in close consultation and cooperation with the Bulgarian authorities, are continuing to make every effort, in accordance with the relevant Security Council resolutions, to ensure the use of any measures of control and enforcement that may be required to prevent violations of the mandatory United Nations sanctions by vessels loaded with prohibited cargo sailing on the Danube under the Yugoslav flag.

In this context, on 28 January 1993, the Romanian custom, port and border authorities, together with their Bulgarian counterparts, cooperated closely in order to stop the Yugoslav tugboat Velebit, referred to in the above-mentioned letter. The Head of the Sanctions Assistance Mission also took part at this Romanian-Bulgarian action. At the same time, the Yugoslav Government, through the Ambassador of the Federal Republic of Yugoslavia in Bucharest, was requested to take decisive measures to stop the convoy.

These actions included constraining measures far beyond the usual international navigation control practice. Several attempts by border and police river boats, including explicit manoeuvring in front of the Yugoslav tugboat, low altitude overflights by police helicopters, light, sound and radio summons, were repeatedly made in order to compel the Yugoslav crew to stop the convoy.

Despite all combined efforts, the Yugoslav convoy did not stop. The possibility of blocking the traffic on the Danube river with boats was jointly envisaged and thoroughly considered. It was found out that, owing to the

extremely difficult conditions of navigation (very low depth of the river waters), there was a real and grave danger of an accident with incalculable and irremediable consequences for navigation and environmental protection.

I would like also to mention that two other convoys under the Yugoslav flag are sailing up-stream in the Romanian-Bulgarian sector of the Danube. The competent authorities are using every possible means, including available constraining measures proportionate to the situation, in order to stop the convoys in accordance with national laws and with due regard to the need to safeguard human lives and avoid excessive or irreparable damages. Moreover, grave environmental consequences for the two riparian States may occur if a forceful action, beyond the above-mentioned limits, is to be considered. All major Romanian cities, towns and villages located on the banks of the Danube are using exclusively water from the river, and Romania does not possess means to prevent or to alleviate environmental pollution.

Romania is committed to use all available measures of control and enforcement to prevent violations of the provisions of the Security Council resolutions concening sanctions on Yugoslavia, following the guidelines issued by the Security Council Committee established pursuant to resolution 724 (1991), including the Committee's letter of 12 November 1992, concerning the implementation of the embargo on Danube river. However, in this very context, may I stress that Romania does not possess all adequate means, commensurate with the prevailing circumstances, for the enforcement of the sanctions regime on the Danube. This situation has been acknowledged by the Sanctions Assistance Mission as well as by officials from European countries.

Receiving technical support, promised by some Governments, in order to enhance the efficiency of actions deployed and would be of utmost importance.

The infringements of the embargo on the Danube can be curbed only if no further shipments are permitted from the ports of origin and by exerting pressure upon the Yugoslav authorities to comply fully with the relevant Security Council resolutions, halting immediately the oil embargo violation by Yugoslav vessels on the Danube.

Romania is particularly concerned by reports that allegedly new Yugoslav convoys are going to be loaded with petroleum products in the same originating ports. In this connection, urgent measures should be taken in order to stop the loading and to arrest the Yugoslav vessels in those very ports, to prevent further attempts at violation of the embargo.

Finally, may I reiterate the appeal of the Romanian Government for increased international presence for sanctions monitoring in order actively to observe and support, including by significant technical assistance, the Romanian and Bulgarian authorities in the implementation of the sanctions.

(Signed) Valeriu FLOREAN
Chargé d'affaires a.i.